

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

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CLERK, U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, )  
 )  
Plaintiff, )

v. )

Jose Luis Angel OLIVA-VIDRIO )  
 )

Mag. Case No

'08 MJ 0585K

DEPUTY

COMPLAINT FOR  
VIOLATION OF

Title 21 U.S.C. Sections 960, 963 and 952  
Title 18 U.S.C. Section 2  
CONSPIRACY TO AIDING AND  
ABETTING IMPORTATION OF  
CONTROLLED SUBSTANCE

The undersigned complainant being duly sworn states:

Beginning at a date unknown, and continuing up to December 3, 2007, within the Southern District of California, and elsewhere, defendant Jose Luis Angel OLIVA-VIDRIO did knowingly and intentionally conspire with others, to aid and abet the importation of a controlled substance, namely 1000 kilograms or more of marijuana, a Schedule I Controlled Substance, in violation of Title 21, United States Code, Sections 960, 963, 952, and Title 18, United States Code, Section 2.

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

  
\_\_\_\_\_  
SIGNATURE OF COMPLAINANT

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 28 DAY OF  
FEBRUARY, 2008.

  
\_\_\_\_\_  
MAGISTRATE JUDGE

**PROBABLE CAUSE STATEMENT**

On 12-03-2007, at approximately 4:45 A.M., a drug smuggling tunnel spanning the United States and Mexico was discovered at 461 Tecate Road, Tecate, California (CA) by the U.S. Border Patrol (USBP). In addition to the tunnel, approximately 13,776 pounds of marijuana was also discovered on the property, in the immediately vicinity of the tunnel's exit point. The tunnel measured approximately 1300 feet long, and the Mexican point of origin for the tunnel was a two-story commercial building located at Calle Presidente Elias, #261, Tecate, Baja California Norte (BCN), Mexico. The property lot located at 461 Tecate Road, Tecate, CA was a 25,000 square feet open lot, with the entire perimeter of the property enclosed by a chain link fence. The only entrance onto the property consisted of a rolling gate on the west end of the property. Attached to the fence was a sign listing a Mexican telephone number, "665-654-2120", along with an advertisement for rental of the property. The tunnel and marijuana were located on the eastern portion of the lot. The tunnel exit and the vast majority of the marijuana was located inside a forty-foot shipping container on the southeast corner of the lot. The remaining marijuana was located inside a truck cargo container parked within four feet north of the shipping container. Agents then located the south side location of the tunnel in Mexico. The entry point was in a building located at Calle Presidente Elias, #261, Tecate, B.C.N.,

Soon after the tunnel's discovery, DEA and ICE Agents were able to locate the owner of the property lot at 461 Tecate Road, Tecate, California (hereinafter "the owner of the lot"). According to the owner of the lot, he received an inquiry for an individual in May 2006 to rent the lot. The owner of the lot agreed to rent to that person, beginning in July 1, 2007. The agents obtained information from Mexico showing that an individual named Jose Larios was the renter of the first floor building located at Calle Presidente Elias, #261, Tecate, B.C.N., where the tunnel was found. Larios rented the first floor

beginning on 05-01-2006, on an 18 month contract for \$1,500 US dollars a month, with a contract termination date of 11-30-2007. The contract included a clause stating the renters had the option of purchasing the building at the end of the contract. The agents learned that Jose Larios and his associates were in the process of purchasing the building at Calle Presidente Elias, #261, Tecate, B.C.N. Agents obtained a copy of an appraisal on the Mexican building dated November 16, 2007 (filed on November 20, 2007 according to local Mexican government). The name of the requesting party was "JOSE LUIS OLIVA." Agents also obtained e-mail accounts in the name of ARTURO JASSO ([arturojasso@yahoo.com](mailto:arturojasso@yahoo.com)) and learned that ARTURO JASSO was e-mailing a company named [matisca@gmail.com](mailto:matisca@gmail.com) in connection with the contract to purchase the building at Calle Presidente Elias, #261, Tecate, B.C.N. Agents believe that [matisca@gmail.com](mailto:matisca@gmail.com) belongs to the owner of the property. An e-mail dated November 30, 2007 (the same day that the lease expired) shows that the negotiated sale price was \$380,000 with an advance payment of \$125,000 on November 30, 2007, followed by four subsequent payments of \$23,163.19. with the balance to be paid at a later time. At one point, the owner represented to other individuals in Mexico that he obtained \$125,000 cash in a shoe box from ARTURO JASSO and JOSE LUIS OLIVA-VIDRIO on November 30, 2007, as part of the pending sale. The owner deposited some of the cash into U.S. bank accounts, which has been confirmed by the agents. Agents believe that ARTURO JASSO (accountant) and JOSE LUIS OLIVA-VIDRIO (lawyer) represented the buyers of the building (where the tunnel was found and operation) and that the money was transferred to the owner (\$125,000) by OLIVA-VIDRIO and JASSO on the same day the 18-month lease expired. [Had the lease expired, the current renter and his associates would have been required to vacate the premises where the tunnel was found.]

On 02-01-2008, ICE Agents received notice from the Calexico, California Port of Entry (POE) that OLIVA-Vidrio had attempted to make entry into the United States through the pedestrian walkway. Agents made contact with OLIVA-

Vidrio at the Calexico POE and advised him of his Constitutional rights. OLIVA-Vidrio signed an Advisement of Rights form and stated he would speak to the Agents, without the presence of counsel. OLIVA-Vidrio stated to the Agents that he was involved in the purchase of the building, located at Calle Presidente Elias, #261, Tecate, Baja California, Mexico, where the entry point for the tunnel was discovered. OLIVA-Vidrio stated he negotiated the purchase of the building with the owner on behalf of his client, Jose MORENO. OLIVA-Vidrio stated he met MORENO through an acquaintance known to him only as DIBUJAS. (Note: Jose Moreno's name and Dibujas's name is not the negotiated contract or on the appraisal for that building). OLIVA-Vidrio denied knowing ARTURO JASSO, stated that he was always alone when he met with the owner and that no payment had ever been made for the property. OLIVA-VIDRIO was detained as a material witness.

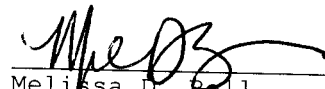
Subsequently, agents learned that OLIVA-VIDRIO had several personal effects, including a small phone book that contained handwritten entry for "Arturo JASSO" and two other handwritten entries for "JASSO" with corresponding phone numbers. Those phone numbers have been linked to ARTURO JASSO, the accountant, who negotiated the purchase of the building.

Subsequently, agents also detained ARTURO JASSO on February 21, 2008, at the Port of Entry in Calexico, California. JASSO stated that OLIVA-VIDRIO asked him to assist in the purchase of the building and they both met with the owner of the building during the negotiation of the contract. He couldn't explain why OLIVA-VIDRIO would exclude his involvement in the scheme to purchase the building. OLIVA-VIDRIO denied giving any cash to the owner as a down payment on November 30, 2007. (NOTE: Agents did not show JASSO a copy of the e-mail from JASSO to the owner's business indicated the advance of \$125,000 on November 30, 2007.)

From my experience in tunnel investigations, it is common for the drug trafficking organizations responsible for constructing and operating drug

tunnels to secure properties for both the tunnel's exit and entrance points during the same time frame. This is necessary due to the logistics, planning, and navigation of the tunnel prior to and during construction. As previously stated, the individual on the U.S. side initially inquired about leasing the lot on the US side in May 2006 and secured the lease on July 1, 2006; and the lease for the Mexican side property commenced on May 1, 2006 with an expiration date of November 30, 2007. Because the traffickers wanted to control the building, where the tunnel was found, given the upcoming termination date, they elected to purchase the building.

Executed on February 28, 2008 at 9:00 AM.

  
\_\_\_\_\_  
Melissa D. Bell  
Special Agent

Sworn before me on February 28, 2008.

  
\_\_\_\_\_  
United States Magistrate Judge